

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

Plaintiff,

v.

Case No. 94-CR-81259

JIMMIE TRUSS

Defendant.

**ORDER DENYING DEFENDANT'S "REQUEST"
TO WAIVE REMAINING BALANCE OF FINE**

This Defendant is again before the court with a post-conviction motion, this time seeking an order of this court to recast the sentence to alleviate the remaining fine. He complains about the interpretation of the Bureau of Prisons in organizing a payment schedule and dealing with his prison financial account.

The docket sheet reveals that after a three-week trial, Defendant was convicted and sentenced in July, 1996. He appealed. His conviction was affirmed. He filed a motion to vacate sentence, with several addenda. Before that motion was decided, he filed another seeking the same relief, and that motion was stricken. He then filed a motion to reconsider the order striking the second motion to vacate. It was stricken. The original motion to vacate was then denied. He appealed. The appeal was rejected. He filed another motion to vacate, which was transferred to the Circuit and there denied. He filed two separate motions on the same day seeking this court's recusal. They were

denied. He filed a motion seeking “clarification of payments for the fine imposed.” It was denied.

The court is not persuaded that the present motion, in the form of a letter to the court, is either distinct from the earlier denied motion for “clarification of payments” or has merit. Further, the court doubts that it possesses any jurisdiction to oversee the Bureau of Prisons’ financial relationship with the Defendant. In any event, the court is not persuaded that the Bureau of Prisons has violated this court’s order related to Defendant’s obligation to pay the relevant fine out of his earnings. Accordingly,

IT IS ORDERED that Defendant’s “request” to waive remaining balance of fine, docketed as a June 25, 2007 “Letter from Jimmie Truss Regarding Sentence” [Dkt. # 1077] is DENIED.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: June 28, 2007

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, June 28, 2007, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522